

**FILED**

**NOV 16 2005**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DUANE HUDSON,

Defendant - Appellant.

No. 04-10566

D.C. No. CR-02-00120-ROS

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the District of Arizona  
Roslyn O. Silver, District Judge, Presiding

Submitted November 8, 2005<sup>\*\*</sup>

Before: WALLACE, LEAVY and BERZON, Circuit Judges.

Duane Hudson appeals the 120-month sentence imposed following his guilty plea conviction for conspiracy with intent to distribute marijuana, in violation of 21

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<sup>\*</sup> This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

U.S.C. §§ 841(a) and (b)(1)(C). We have jurisdiction pursuant to 18 U.S.C. § 3742(a).

Because appellant was sentenced under mandatory Sentencing Guidelines, we remand for further proceedings consistent with *United States v. Ameline*, 409 F.3d 1073 (9th Cir. 2005) (en banc). See *United States v. Moreno-Hernandez*, 419 F.3d 906, 916 (9th Cir. 2005) (extending *Ameline*'s limited remand procedure to cases involving non-constitutional error under *United States v. Booker*, 125 S. Ct. 738 (2005)).

**REMANDED.**